

CHAPTER 1 - GENERAL ADMINISTRATION
ARTICLE 6 —REGULATION AND POLICY DIRECTIVES

Revised February 18, 2009

12010.1 Policy

All divisions, institutions, camps, parole regions, community based correctional centers, and other departmental offices shall be promptly notified of changes in departmental regulations, policy, operational procedures, forms, and other matters of importance.

Changes to the regulations, the Department Operations Manual (DOM), bulletins, or forms shall not be processed without written authorization of the Secretary or designee.

12010.2 Purpose

This Article describes the regulations, manual, bulletins, and forms utilized to transmit departmental rules and operational directives and establishes procedures for their review and approval, promulgation, distribution, and maintenance. The process and procedures described here are intended to:

1. Allow Department stakeholders to have input on regulation and DOM development.
2. Define responsibilities for the content and updating of regulations and DOM policy.
3. Ensure regulations (Title 15) meet and are adopted according to statutory standards in the Administrative Procedure Act.
4. Set a priority for intentional and timely regulation and DOM development, review, approval, and dissemination.

12010.3 Policy Directives

Only the below-listed directives shall be used to document and announce official Department rules, policy, and procedures:

- California Code of Regulations (CCR) (Title 15). These are also called Department's Rules.
- DOM.
- Bulletins.
 - Administrative Bulletin (AB).
 - Restricted Administrative Bulletin (RAB).
 - Informational Bulletin (IB).
 - Restricted Informational Bulletin (RIB).
 - Instructional Memorandum (IM).
- Notices.
 - Notice of Change to CCR (NCR).
 - Notice of Change to DOM (NCDOM).
 - Restricted Transmittal Letter (REST).
- Forms approved for use and on record in the official forms catalog maintained by the Department Forms Coordinator.

12010.3.1 Availability

All policy directives are public records which shall be made available to employees, volunteers, inmates, parolees, other governmental agencies, and the public, unless specifically exempt pursuant to Government Code (GC) 6254.

Employees, inmates, parolees, and the general public may purchase all or any portion of this manual in printed form and other Department directives, which are not exempt from disclosure. Availability may be limited.

With the exception of inmate law libraries, no office is required to maintain this manual or other directive for the sole purpose of making it available for inspection. Any current copy of the DOM and existing directives are adequate for public inspection.

For information on how to purchase the DOM, you may contact the Regulations and Policy Management Branch (RPMB). The price will be determined by the cost of the last printing. Availability is limited.

Sections in DOM 55000 are classified as “Restricted” and specifically exempt from disclosure to persons other than employees with a need-to-know. These Sections are not the only public records of the Department that may be exempt from disclosure.

“Restricted” sections shall not be made available to inmates, parolees, or the general public.

12010.4 Responsibility for Revision of Policy Directives

The Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other executive designated in each article of DOM, under the “Revisions” section, shall ensure the article is revised and updated as necessary. Each CCR (Title 15) section is the responsibility of the Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other executive whose functional area administers the specific rule.

Revision Requests

Assistant Secretaries, Chief Deputy Secretaries, Directors, Deputy Directors, or other executives may initiate changes to the regulation sections and/or DOM manual articles for which they are responsible by forwarding a request to the Chief, RPMB in the following format:

- Sections affected.
- Purpose, reasons, or justification for change.
- Specified text change in underline/strikethrough format.
- The estimated fiscal impact of the change, if any.
- All references concerning the change.
 - State or federal law change, court agreement, settlement, or decision, operational need, changes to regulations of other departments, etc.
 - Name and telephone number of the lead program person to contact concerning the proposed revision.
- Authorization of the Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other Department executive over the functional area.

12010.4.1 Revision Time Constraints

Upon receipt of a request, RPMB shall log the document in and assign a project number. If the responsible program has not already completed a review by Department stakeholders, a memorandum shall be completed and forwarded by RPMB to the appropriate stakeholder programs informing them that RPMB has reviewed the document and requests review and approval by the Department stakeholders. The time required to formulate policy and review the draft policy directive shall be governed by the following constraints:

DOM

- Assistant Secretary, Chief Deputy Secretary, Director, Deputy Director, or other responsible executive submits the proposed DOM revision to the RPMB.
- The RPMB: Four weeks from receipt of requested revision to produce the draft policy directive. The RPMB will also complete a Regulatory Impact Determination and analysis.
- Director or executive submitting the policy change: Coordinates stakeholder vetting and review allowing one day to four weeks for stakeholder review, depending on project priority. The RPMB will coordinate stakeholder review for the responsible program upon request. The following three stakeholder review/vetting timeframes shall be used:

Level 1. Immediate – One to five days for review and decision by Department stakeholders.

Level 1 review shall be used only when the Department must meet external time constraints (e.g., Court deadline, Legislative Mandate, Governor’s Executive Order) and only when authorized by Department executive management.

Level 2. Priority – Two calendar weeks for stakeholder review and decision.

Level 3. Standard – Three to four calendar weeks for stakeholder review and decision.

Stakeholders who do not return a decision by the requested reply date shall be provided one reminder with a request for an alternate completion date. If the attempt to obtain a stakeholder decision fails, the program initiating the stakeholder reviews may “assume concurrence” for the non-responding stakeholder, note this in the DOM project package, and forward the package for final executive management review and approval. If concurrence on the DOM revision cannot be reached among the stakeholders, the outstanding issues shall be raised in writing or in a decision meeting with the Undersecretary or equivalent executive over the program initiating the change.

- RPMB: Following each review and return of the vetting/coordination document to the RPMB, two weeks to modify, if necessary, or finalize the policy document.
- Chief, RPMB: One week for review. The Chief shall then forward the DOM package for final executive review and approval.
- Assistant Secretary, Chief Deputy Secretary, or Undersecretary with program responsibility: One week for review and decision /approval.

Regulations

The RPMB shall determine the time required, depending on the size of the task, and the requirements of the Administrative Procedure Act to prepare the initial draft of regulations and Initial Statement of Reasons. The submitting division shall be advised of the anticipated completion date.

After completion of the initial draft, the time constraints used for DOM stakeholder review and vetting shall be followed.

12010.4.2 Preparation of Regulation Revisions

Rule revisions, with the necessary documents for filing with the State control agency over regulations, the Office of Administrative Law (OAL), shall be developed by RPMB utilizing the revision request and in cooperation with staff from the originating division or unit and returned to the originating Assistant Secretary, Director, or other executive for review and comment/modification or approval.

Upon approval of the draft rules by the originating Assistant Secretary, Director or other executive, RPMB shall route the document to other affected programs stakeholders for review and comment or approval.

The RPMB reviewer shall discuss any proposal for a substantial change to the draft with the originating program and shall note the result of such discussion.

The concurrence of each affected Assistant Secretary, Director, or other executive is required before a revision may be submitted for Secretary, Undersecretary, or other rulemaking delegate’s approval and signature. If concurrence cannot be reached, the unresolved issues shall be raised in writing or in a decision meeting for final resolution by the Undersecretary or equivalent executive over the program that is initiating the revision.

At the request of any Assistant Secretary, Chief Deputy Secretary, Director, or Deputy Director, they shall be provided an opportunity to review the final version of the draft before it is forwarded for final approval and signature.

12010.4.3 Formats

Following are specifications and format instructions for the Department’s policy and regulation directives:

Regulations

The format and specifications for the CCR (Title 15) are administered by the OAL, the State control agency for regulations and rulemaking.

Other Directives

The format and specifications for the Department’s other directives are provided in the following forms:

- Administrative Bulletin, CDCR Form 1184.
- Informational Bulletin, CDCR Form 1185.
- Instructional Memorandum, CDCR Form 1187.
- Notice of Change to Regulations, CDCR Form 1189.

- Notice of Change to Department Operations Manual, CDCR Form 1189-A.

12010.5 CCR

The CCR are the Department's regulations (Secretary's Rules) that are codified in Division 3, Title 15, of the CCR for Adult Operations, Programs, and Parole and are overseen by OAL. Properly adopted regulations have the force of law. CDCR may not lawfully enforce a rule, order, or standard of general application that is a regulation unless it has been adopted as a regulation and filed with the Secretary of State.

A departmental rule, order, or standard of general application may be considered a regulation if it:

- Implements, interprets, or makes specific the provisions of statute, case law, or regulations of controlling agencies.
- Is a mandate and applies equally to all inmates, parolees, and the public in like situations.
- Imposes a standard for required inmate, parolee, or staff behavior with consequences for noncompliance.
- Imposes requirements which shall be met to qualify for any general entitlement or privilege available to inmates, parolees, or the public.
- Imposes criteria which govern staff decisions affecting inmate custody, discipline, classification, programming, release date, visiting, transfer, etc. or affect the terms or conditions of parole.
- Mandates fair and prompt staff response (due process) or entitlement (rights).

State law prohibits Departments from issuing and enforcing rules of general application without first adopting them into regulations: "No State agency shall utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule which is a regulation as defined in Government Code Section 11342.600 unless...it has been adopted as a regulation and filed with the Secretary of State" (Government Code 11340.5).

12010.5.1 Issuance of CCR

The CCR shall be issued to the below-specified persons at the designated places:

- New Correctional Officers and Parole Agents by the Academy.
- Other new employees by their assigned institution or office where hired and prior to assuming regular duties.
- Volunteers and contractors by the person's institution or headquarters office.
- Inmates within 14 days of reception by the Department. The inmate shall sign a Document Receipt, CDC Form 128-O. The completed form shall be placed in the inmate's central file (C-File).
- Parolees, including those confined in county facilities pending Board action, court action, or return to prison, may request a copy from their assigned DAPO parole office.
- Any State agencies and Legislators, by the RPMB upon request.

Regulation Revisions

Institutions and all other facilities which house State adult inmates under the jurisdiction of the Department shall make available published rule revisions to inmates as soon as practical, but not later than ten working days, following receipt of the revisions.

DAPO parole offices shall make a copy available for parolees to examine. If a parolee requests a copy, they may purchase an up-to-date copy of the CCR from RPMB by the procedures outlined in DOM Subsection 12010.5.4, below.

12010.5.2 Rules Coordinator

Rules coordinators shall coordinate the ordering, receipt, storage, and distribution of the CCR in the institutions, parole regions, or departmental offices. The institution rules coordinators shall ensure sufficient copies of revisions are received for issuance to all institutional staff and all inmates. The DAPO Headquarters and parole region rules coordinators shall ensure sufficient copies of revisions are received for issuance to all parole staff and available for parolees to review.

For each institution, a custodial officer at the level of Correctional Counselor II / Lieutenant or above shall be designated as the rules coordinator.

For each parole region, the regional training coordinator shall be designated as the rules coordinator.

For Central Office and all other departmental offices, the Chief, RPMB, shall be the designated rules coordinator.

For DAPO Headquarters, the Parole Agent III in charge of the Policy and Procedures Unit, shall be the designated rules coordinator and will work with the Chief, RPMB, on those matters pertaining to DAPO.

The position designated as the rules coordinator shall be submitted to the RPMB whenever there is a change in designation.

Prior to the bulk shipment of an updated CCR and/or revisions, the RPMB shall advise each rules coordinator of the estimated shipping date. Each rules coordinator shall:

- Arrange for distribution within five working days after receipt.
- Arrange for storage of copies needed for future issue.

Inquiries regarding shipment, quantity, or distribution of the CCR shall be made by the rules coordinator to the Chief, RPMB.

12010.5.3 Ordering CCR

The RPMB shall submit to the rules coordinator a formal reminder that it is time to submit their order for CCRs. The rules coordinator shall estimate the number of CCRs required for issue for an annual supply. The memorandum or notice transmitted by the RPMB shall be returned to the RPMB by the rules coordinator, which shall constitute the order for that facility.

- Several months are required to plan the printing and receipt of the rule books. An emergency order may be requested; however, in general, rule books shall be ordered annually.

12010.5.4 Replacement CCR/Copies for General Public

Inmates and parolees who have lost, misplaced, or not maintained their issued copy of the CCR and the general public who desire a copy of the CCR may purchase an up-to-date copy of the CCR by submitting a check or money order made payable to "State of California" with their request for CCR, Division 3, Title 15, to the RPMB. (Price is determined by cost per copy of latest available edition, and availability is limited.)

12010.5.5 Rules in Spanish

A Spanish language version of the CCR shall be made available for review by those Spanish-speaking inmates who cannot read English. Inmates shall not be issued personal copies of the CCR in Spanish.

A minimum of one copy of the CCR in Spanish shall be maintained at:

- Reception centers.
- Institutions.
- Community based correctional centers.
- Reentry facilities.
- Regional parole headquarters.
- Inmate law libraries.

When the Department has formally adopted a change to the CCR, the RPMB shall arrange for the translation to be incorporated into the next Spanish CCR edition.

12010.5.6 Proposed Changes to CCR

A change to the CCR may be proposed through the chain-of-command to the affected Assistant Secretary or Director by any employee.

The NCR requires approval of the Assistant Secretary or Director for the division or unit responsible for administering the rule revision material. The Secretary's, Undersecretary's, or Chief Deputy Secretary's approval and signature is required on all NCRs.

An inmate, parolee, or member of the general public may submit a petition for change to the Assistant Secretary or Director administratively responsible for the area of desired change in accordance with Government Code 11340.6.

No special format is required for submitting a proposed revision; however, the proposed revision shall meet Administrative Procedure Act (APA) standards, which are:

- “Necessity”; there is a substantial need for the regulation as proposed.
- “Authority”; there is an existing statutory provision which permits or obligates the Department to adopt, amend, or repeal the regulation as proposed.
- “Clarity”; the regulation as proposed will be easily understood by those affected.
- “Consistency”; the regulation as proposed does not conflict with or contradict any existing statutes, court decisions, or other provision of law.
- “Reference”; there is a statute, court decision, or other provision of law which the Department will be implementing, interpreting, or making specific by adopting, amending, or repealing the regulation as proposed.
- “Nonduplication”; the regulation as proposed does not simply repeat or serve the same purpose as an existing law or regulation.

12010.5.7 Notice of Change to Regulations

At least 45 days prior to a public hearing on proposed regulation changes, a Notice shall be published in the California Regulatory Notice Register and shall be mailed to interested persons on the RPMB mailing list. The Notice shall also be posted on the Intranet and the Department’s Internet.

Any interested person is invited to submit written or electronic mail comments regarding proposed rule revisions to the RPMB.

At the same time the Notice of the Department’s proposed regulatory change is submitted to the OAL, the Notice of Change to Regulations (NCR) shall be prepared and e-mailed to the rules coordinator at each institution and parole region who shall:

- Post/issue Notice of Change to Regulations. Such notices shall be posted in the institutions, parole offices, and facilities where inmates/parolees can view them at least 45 days prior to the scheduled hearing.
- Institution rules coordinators shall complete a Certification of Posting, CDCR Form 621-A, and ensure it is forwarded to the RPMB within 10 calendar days of receipt.

GC 11346.4 requires that at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation, notice of the action shall be mailed to interested persons.

12010.5.8 Posting Requirements

The NCR shall be posted by the rules coordinator or designee and made available for inspection by all inmates and staff within five calendar days after receipt of the Notice. Penal Code 5058(a) establishes a duty for the Department to post copies of regulation changes in conspicuous places.

Notices shall be:

- Posted on staff and inmate bulletin boards.
- Posted in inmate housing units, corridors, and other areas easily accessible to inmates.
- Provided to inmate advisory committees/councils.
- Provided to inmate law libraries.
- Provided to inmate prison hospitals.
- Provided to inmate lock-up units.

All inmates and employees shall be provided the opportunity or means to be informed of and review the notice.

NCRs may be removed once the public comment period on the notice ends. A copy of the NCR shall be retained in the institution’s records by the Rules Coordinator.

12010.5.9 Public Hearing/ Written Comments

A public hearing may be scheduled at which time all interested persons may present comments regarding the proposed revision.

Any interested person may also submit written or electronic mail comments to the Chief, RPMB, regarding a proposed revision. Written comments must be received by the Department no later than the published close of the public comment period.

Oral presentations at the public hearing shall be recorded. The recordings and all written comments are retained by the RPMB as a public record in the rulemaking file for at least one year from the date the regulation is filed with the Secretary of State.

12010.5.10 Actions after Hearing-Rulemaking File

The rulemaking file is a cumulation of all the documents and material required pursuant to the APA, which include recorded or transcribed verbal and all written comments received by the Department during the public comment period, departmental comments on the accommodation or non-acceptance of the received comments, an updated informative digest, and the proposed final text of the regulation.

In response to the public comments received, the Department may:

- Redraft the proposed regulation and schedule another hearing;
- Modify language with sufficiently related changes to the originally proposed regulation text and provide a 15-day comment period; or
- File with the OAL the originally proposed regulation text without change.

Substantial modifications to the originally proposed regulation text shall not occur unless the change is sufficiently related to the regulation subject matter that was originally filed with the OAL and as appeared in the public notice.

A copy of the rulemaking file shall be sent to the OAL. Upon receipt of the file, OAL has 30 working days to examine the rulemaking file for compliance with the provisions of the APA and to compare the cited authority and references. If the rulemaking file complies with the APA, OAL certifies that the regulations were properly adopted and files the regulation as proposed with the Secretary of State. Upon receipt of a stamped copy of the regulation filed with the Secretary of State, the RPMB shall post the final rulemaking file on the Internet and the Department's Intranet informing all concerned of the adoption of the regulation.

The effective date of any regulation is 30 days after it is filed with the Secretary of State unless a different date is specified. The effective date of the regulation shall be noted in the Notice.

12010.6 Department Operations Manual

Department Operations Manual (DOM) contains policy and procedures for uniform operation of the Department and is issued statewide to inform staff of the approved procedures for program operations. The RPMB shall issue the DOM to all Central Office executives, to other Central Office employees whose jobs require them, to other agencies, such as the Attorney General's staff who represent the Department in litigation, and to members of the public who wish to purchase the manual.

Restricted sections of the DOM shall not be available for public review or purchase.

12010.6.1 DOM Revisions

Each article of DOM has a "Revisions" subsection which identifies the Assistant Secretary, Director, or other executive responsible for ensuring the accuracy and currency of the content in that article. That Assistant Secretary, Director, or executive shall:

- Identify the need for and initiate a revision to DOM when necessary.
- Ensure other affected divisions are provided with an opportunity to review and comment on the proposed revision at the policy coordinator level. Upon request, the RPMB will assist with coordinating or "vetting" the proposed DOM revision.
- Incorporate the feedback from affected divisions and forward the completed proposed revision to the Chief, RPMB.

In completing this process, the RPMB will:

- Format, review, and analyze the proposed revision.
- Perform a Regulatory Impact Determination as needed to identify existing regulations that may need to be revised, or new regulation material contained in the proposed DOM policy that must be adopted before the DOM is implemented and enforced.
- Ensure necessary Assistant Secretary or Director level reviews are completed.
- Submit the proposed revision to the appropriate Assistant Secretary or Chief Deputy Secretary for final approval.
- Distribute the revision to the field and headquarters staff and post the information on the Department Intranet and Internet.

12010.6.2 DOM Subchapter 55000, Restricted DOM: “Issuance and Responsibilities of Holders”

The Restricted DOM, Subchapter 55000, shall be issued only to specific Department positions that require the knowledge and use of the restricted content in order to perform their position’s duties and responsibilities (e.g., Watch Commander, Facility Captain, Associate Warden, Assistant Secretary, Director, etc.). Post Orders or job descriptions for those positions should reference the Restricted DOM for accountability purposes. The Restricted DOM shall not be issued to individual persons. Staff in positions that have been issued a Restricted DOM are responsible for its updating when revisions are distributed, for its security and its proper use. The Restricted DOM shall be secured in a locked cabinet and/or office when not being used. Contents of the Restricted DOM shall not be discussed in the presence of those who do not have a need-to-know and under no circumstances shall copies of any portion of Subchapter 55000 be made, emailed, or sent by FAX. The Restricted DOM shall be viewed by CDCR employees on a need-to-know basis.

- Institutional/Parole region Supplements to the Restricted DOM are not to be left unattended or in an office/work area that is not secured. They shall be maintained within the manual after the respective section being addressed.
- Transmittal Letters must be kept in numerical order and under the tab identified for transmittal letters.
- RABs must be kept in the front of the manual and in numerical order.
- The Revision Record to the Restricted DOM needs to be completed for every new addition or revision to policy that is incorporated into the Restricted DOM.
- The Restricted DOM shall be audited on an annual basis by the institutional or unit’s DOM Coordinator to ensure they are updated and current.

The Restricted DOM shall remain with the position unless, or until, the manual is reissued to another position by the Hiring Authority. Prior to vacating a position for which the Restricted DOM has been issued, the staff member shall return the Restricted DOM to the DOM Coordinator or the Administrative Assistant to the warden or parole administrator.

The Restricted DOM master shall be maintained by the Department’s Restricted DOM Coordinator assigned to the RPMB who oversees the secure development, approval, distribution, and records of new and revised policy in Subchapter 55000. Any new policy and revision to current policy of the Restricted DOM shall be coordinated through the Restricted DOM Coordinator of the RPMB. Institutional/Parole region staff in need of current information/documents for their respective Restricted DOM(s) shall contact the restricted DOM coordinator to obtain those documents. The Restricted DOM Coordinator shall maintain a list of allocated Restricted DOMs for each Department institution, division, or office authorized to hold the Restricted DOM and update or revise that list as needed.

The Restricted DOM is a confidential document that is subject to the privilege for official information as described in Evidence Code (EC) 1040. The Restricted DOM and its content are accordingly exempt from public disclosure.

Requests for a complete Restricted DOM shall be addressed to the Chief of the RPMB. The request shall include a justification for the need for the position to have a Restricted DOM and a statement that all Restricted DOM currently issued to the institution, division, or office are updated, secure, and properly allocated.

Access to Subchapter 55000 by the California Correctional Peace Officers Association

An agreement between the CDCR and the California Correctional Peace Officers Association (CCPOA) allows CCPOA to have access to the DOM, Subchapter 55000, Restricted Procedures.

In order to resolve matters that may arise, the CDCR and the CCPOA agree that:

1. CDCR shall retain sole possession of that document known as the DOM Subchapter 55000.
2. CCPOA shall have access to DOM Subchapter 55000 (except Section 55030, Job Action Contingency Plan) in the following manner:
 - a) CDCR shall provide access to CCPOA representatives at both the institutional level and the headquarters level. Access shall be provided only on an appointment basis with a minimum of one hour's notice. It is understood that normally such appointment at the institutional level will occur within 24 hours of the request.
 - b) The access described above shall be available to the following CCPOA representatives:
 - 1) Local Chapter Presidents
 - 2) Local Chapter Vice-Presidents
 - 3) Chief Job Stewards
 - 4) CCPOA Field Representatives
 - 5) CCPOA Legal Staff
 - 6) CCPOA Chief Administrative Officer
 - 7) CCPOA Statewide President
 - 8) CCPOA Statewide Vice-Presidents
 - 9) A member of any CCPOA bargaining team

In addition to the above, any Bargaining Unit (BU) 6 member or his/her designated representative, upon request, may have access to DOM Subchapter 55000 (except Section 55030) when the BU 6 member is being investigated as to matters covered by Subchapter 55000 or has been disciplined with regard to matters covered by Subchapter 55000.

3. In no event shall more than three of these persons have access at one location at the same time.
4. Under no circumstances shall access include the right to photocopy any portion of DOM Subchapter 55000.
5. CDCR Chief of the Office of Labor Relations shall notify the Chief Administrative Officer of CCPOA in writing of any changes to DOM Subchapter 55000.

CDCR is committed to upholding its agreement of providing CCPOA with access to DOM Subchapter 55000. To carry out this commitment, the Chief of RPMB shall coordinate CCPOA inspection of DOM Subchapter 55000 at CDCR headquarters. The Employee Relations Officer (ERO) is the representative at the institutional level to coordinate the requests for access to DOM Subchapter 55000. Any requests to individuals other than the ERO will not be honored and the requestor will be referred to the ERO. The ERO will not maintain a copy of DOM Subchapter 55000 for the sole purpose of having it readily available for CCPOA to review. Instead the ERO shall coordinate the review of a copy of DOM Subchapter 55000 from a copy allocated to the institution. The ERO shall ensure, however, that prior to CCPOA reviewing DOM Subchapter 55000, that Section 55030 has been removed from the copy CCPOA will be reviewing.

The following procedures provide for statewide access by CCPOA to DOM Subchapter 55000 (except Section 55030):

The Chief of RPMB shall:

1. Maintain and control DOM Subchapter 55000.

2. Provide or coordinate the supervision of DOM Subchapter 55000 during any inspection by eligible CCPOA representatives or BU 6 members at the headquarters.

The Warden/Regional Parole Administrator shall:

1. Ensure that all requests from CCPOA representatives or BU 6 members for inspection of DOM Subchapter 55000 are processed through the ERO.

The ERO shall:

1. Arrange for the review of DOM Subchapter 55000.
2. Provide or coordinate the supervision of DOM Subchapter 55000 during any inspection by eligible CCPOA representatives or BU 6 members.
3. Document each time that DOM Subchapter 55000 is reviewed by eligible CCPOA representative or BU 6 member as outlined above. The following information shall be recorded in the log book:
 - a) Full name of person reviewing DOM Subchapter 55000.
 - b) The position of the person reviewing DOM Subchapter 55000 (CCPOA affiliation) or rank of the BU 6 member.
 - c) Date DOM Subchapter 55000 was reviewed.
 - d) Time DOM Subchapter 55000 was reviewed.
 - e) Signature of CCPOA representative/BU 6 member(s) reviewing DOM.
 - f) The DOM section(s) reviewed.

12010.6.3 DOM Supplement Process Policy

There may be a need at the facility/parole region level to clarify or supplement information in a section of the DOM. This need may arise from insufficient detailed information upon which to provide for day-to-day operation at the individual facility or parole office. When such need occurs, as determined by the Warden or Regional Parole Administrator, a DOM supplement shall be developed detailing the manual policy.

DOM supplements shall:

- Be brief and generally no more than two to four pages for any DOM article.
- Be attached to the applicable DOM article.
- Not create new policy.
- Clarify and not restrict, expand, or conflict with the DOM provisions.

12010.6.3.1 Purpose

The purpose of this Section is to provide a process by which facilities and parole regions shall clarify the DOM for local operational purposes.

12010.6.3.2 Supplements to the DOM

An operational supplement shall contain only specific information required for local day-to-day operation. It shall contain procedures required to accomplish the mandate of the DOM article. The DOM supplement could include such things as who escorts certain groups of inmates within or from a specific housing assignment or in which institution offices computers shall be located. Only when there is demonstrated need to add to the DOM article to provide for a specific local operational need as determined by the Warden of an institution or Regional Parole Administrator shall a DOM supplement be used. DOM supplements shall be reviewed for policy compliance during the audit process. Supplements shall be in the same format as the DOM.

12010.6.3.3 Substantive Exemption to a Section of the DOM

It is the intent of the Department not to have substantive changes to requirements of the DOM in DOM supplements. However, on rare occasions there may be other mandates which require an exemption to some DOM provisions. Such mandated exemptions shall include court orders which affect only a particular facility's operation or a statutory requirement not required to be implemented statewide. Authorized pilot programs

under Penal Code 5058.1 announced through an Instructional Memorandum or Administrative Bulletin may justify specific exemptions to regulations and/or DOM provisions.

When such an exemption is required for other than an authorized pilot program, a justification shall be submitted to the appropriate Assistant Secretary or Director for approval of the exemption. The justification for the exemption shall include a description of the mandate requiring the exemption and an evaluation of the consequences if it is not approved.

12010.6.3.4 DOM Supplements are Distinct from Local Operational Procedures (OP)

Whereas DOM supplements provide detail for implementing statewide policy locally, OPs address localized policy only, for example, inmate visiting days and hours, local emergency response during local flooding, or local noise and light mitigation.

12010.6.4 DOM Coordinator

Each Warden/RPA shall designate a DOM coordinator and shall develop a master distribution list for the institution/parole region naming the positions that shall receive the manual. The name of each DOM coordinator shall be submitted to the RPMB.

DOM coordinators shall receive all copies of the manual and revisions for their institution/parole region and shall issue the manual and its revisions to the positions named on their local master distribution list.

An employee vacating a position who has been issued a manual shall return the manual to the DOM coordinator before vacating the position. This is especially important for the Restricted DOM. If a position is deleted from the master distribution list, or a manual is of little or no use to a position currently on the master distribution list, the DOM coordinator shall recover the manual from that position.

The manual, except for sections labeled “restricted,” shall be available in inmate law libraries and be available for public review at each institution/regional parole office.

The DOM coordinator shall audit all manuals, including the Restricted DOM, in the institution/parole region annually to ensure the manuals are available and properly maintained.

12010.7 Bulletins

Specific bulletins shall be used to announce policy for the Department. Each bulletin shall:

- Be reviewed by appropriate Assistant Secretary or Directors prior to submission for approval.
- Be signed by the Secretary, Undersecretary, or Chief Deputy Secretaries.
- Be processed through the RPMB for assignment of a number, forwarding for review by Department stakeholders and executive staff, and processing for printing and distribution.
- Contain an expiration date.

12010.7.1 Administrative Bulletins and Restricted Administrative Bulletins

An Administrative Bulletin (AB) may be used to announce immediate or temporary revisions to departmental policy or new program initiatives, which will be subsequently included in the DOM. Each AB will have a cancellation date not more than one year from the effective date of the AB by which time the policy in the AB shall be adopted into DOM or rescinded. A Restricted Administrative Bulletin (RAB) may be used when the change in policy or procedure will be incorporated into the Restricted DOM.

The Assistant Secretary or Director who administers the area in which a policy change is occurring is responsible for preparing the AB/RAB as follows:

- Determine that an AB/RAB is needed and initiate its preparation within their program.
- Contact RPMB and inform them of the proposed change.
- Ensure other affected divisions are provided an opportunity to review and comment on the draft AB/RAB at the policy coordinator level. RPMB may, upon request, assist with the coordination/vetting process.
- Accommodate comments from affected divisions.

In completing this process, the RPMB will:

- Format, review, and analyze the AB/RAB.

- Ensure necessary Assistant Secretary or Director level reviews are completed.
- Submit the AB/RAB to the appropriate Assistant Secretary or Chief Deputy Secretary for final approval.
- Policy modifications resulting from changes in statute or from court decisions shall be cleared through the Office of Legal Affairs and Fiscal Services prior to submittal for the Secretary's or Undersecretary/Chief Deputy Secretary's approval.
- Policy modifications which potentially affect more than one division shall be routed to the head of each affected division or office for review, comment, and approval.

12010.7.2 Informational Bulletin

The Informational Bulletin (IB) is prepared to transmit non-policy announcements of staff appointments, references, significant form revisions, and directory changes (e.g. addresses, telephone numbers), and events or activities about which departmental staff should be informed.

The process for completing IBs is as follows:

- The Assistant Secretary or Director who identifies the need for an IB initiates the IB.
- The IB is forwarded to the Chief, RPMB.
- The RPMB staff reviews, proofs, and formats the IB and submits it to the Chief, RPMB, for approval and signature.

The bulletin shall be maintained on the RPMB website for up to 2 years from date of publication.

12010.7.3 Instructional Memo

The Instructional Memo (IM) is used to:

- Disseminate immediate and temporary policy or procedure modifications to the field via the Assistant Secretary or Director. The IM shall contain an expiration date no longer than 60 days.
- Implement a 24-month regulatory Pilot Program to individual institutions via the RPMB as directed by the appropriate Assistant Secretary, Director, or Department executive.

12010.8 Pilot Programs

The Secretary of the California Department of Corrections and Rehabilitation may authorize pilot programs for up to two years using the authority granted in Penal Code (PC) 5058.1. Pilot programs are implemented using an Instructional Memorandum or other policy directives as defined in DOM Chapter 1, Article 6, Regulation and Policy Directives. RPMB coordinates with the initiating program on the development and Department approval of pilot programs and submits the pilot program documents to the Office of Administrative Law for certification.

Under PC 5058.1, Pilot programs may affect no more than 10 percent of the intended inmate or parolee population (e.g., female inmates, male inmates, total inmate population). The Secretary or rulemaking designee must certify that the pilot program's policies meet the criteria for adoption as a pilot under the Penal Code, provide an estimate of the fiscal impact, and describe the methods by which the pilot program will be evaluated. Pilot programs have a duration of up to two years and are then repealed by operation of law. Pilot programs may be authorized up to two years. In order for the program to continue beyond two years, regulations to codify the programs into the Title 15 must be adopted by the end of the pilot period.

12010.9 Forms

The forms coordinator located in the RPMB will be responsible for implementing and managing all functions related to departmental forms control for Adult Operations, Adult Programs, and program support. The forms coordinator will be responsible for the following:

- Overseeing the development and revision of forms to ensure compliance with applicable laws and regulations.
- Assigning form numbers.
- Performing a determination of the impact of a form revision on regulations and the DOM.
- Developing and maintaining the departmental Forms Catalog.

- Providing assistance and information to departmental staff on revising and obtaining departmental forms.
- Acting as departmental forms liaison with other State departments.
- Gathering the necessary information from departmental staff for the completion of form management reports.

12010.10 BPH/NAEA Regulations

At each institution, the Classification and Parole Representative (C&PR) shall be the BPH/NAEA rules coordinator. The C&PR shall ensure that the inmate population has knowledge of BPH/NAEA Rules and amendments.

Within parole regions, the regional training officer shall be the BPH/NAEA rules coordinator.

The C&PR and the regional training officer shall arrange for the posting and distribution of Notices of Intent to Revise the BPH/NAEA Rules.

The BPH Rules and the revisions thereto shall:

- Be issued only to specific positions.
- Be sent to inmate law libraries.
- Be maintained in each:
 - Parole office.
 - Community correctional center.
 - Regional parole headquarters.

The BPH/NAEA rules coordinators shall:

- Ensure there are sufficient copies of BPH/NAEA Rules.
- Arrange for storage of copies for future issue.

All inquiries relating to the BPH or NAEA Rules shall be made through the rules coordinator to the legal counsel of BPH or the Executive Officer, NAEA, as appropriate.

12010.11 Regulation and Policy Records

Each division shall maintain their own policy files. A retention schedule shall be established. Those documents that contain historical data shall be retained for the appropriate time frame and transferred to the State Archives. The RPMB shall maintain rulemaking and policy files relative to printed policy adoptions; i.e., regulations, manual revisions, and bulletins.

- A copy of any document(s) transmitted to clarify, implement, or enforce existing policy shall be sent to the RPMB to ensure that existing written policy remains current.
- A copy of any formal report (research, evaluation, study, etc.) shall be transmitted to the RPMB for retention as reference material.

12010.12 Revisions

The Director, Division of Support Services, shall ensure that the content of this Article is accurate and current.

12010.13 References

PC §§, 2080, 2086, 2930, 5050, 5054, 5055, 5058, 5058.1, 5058.3, and 5204(c).

GC §§ 6254, 625511340 - 11350.3 and 14770-14775.

EC § 1040.

CCR (1). §§ 1-280 and (15) § 3002 and 3423.